

Message Text

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E.O. 11652: N/A

TAGS: UN, SHUM, PORG, SW

SUBJECT: SWEDISH PROPOSAL ON POLITICAL PRISONERS

1. MINISTER ECKERBERG, DCM OF SWEDISH EMBASSY, DISCUSSED WITH DEPARTMENT OFFICER APRIL 12 SWEDISH INTEREST IN PURSUING QUESTION OF POLITICAL PRISONERS AT 31ST (1976) SESSION OF UNGA. ECKERBERG REFERRED TO THE INITIATIVE TAKEN BY THE USDEL AT 30TH UNGA CALLING FOR AMNESTY FOR POLITICAL PRISONERS. HE SAID THAT SWEDISH DELEGATION HAD BEEN PREPARED TO SUPPORT THE US PROPOSAL AND RECALLED THAT FAILURE OF USDEL TO CONSULT OTHER FRIENDLY DELS BEFORE HAVING PRESENTED ITS PROPOSAL WAS MAJOR FACTOR IN POOR RECEPTION WHICH US PROPOSAL RECEIVED. ECKERBERG ALSO TOOK NOTE OF THE FACT THAT THE USDEL AT THE

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RECENTLY COMPLETED SESSION OF UN HUMAN RIGHTS COMMISSION

(HRC) HAD PUT FORWARD A REVISED DRAFT RESOLUTION ON AMNESTY FOR POLITICAL PRISONERS AND THAT THE HRC HAD DECIDED TO POSTPONE ACTION AND TO GIVE US PROPOSAL PRIORITY CONSIDERATION AT 1977 HRC.

2. ECKERBERG SAID THAT SWEDISH GOVERNMENT REPRESENTATIVES AT 30TH UNGA HAD EXPRESSED INTEREST IN PROBLEM OF POLITICAL PRISONERS IN REMARKS UNRELATED TO US PROPOSAL. SWEDISH FOREIGN MINISTER HAD REFERRED TO PROBLEM IN GENERAL DEBATE

STATEMENT AND INTENTION TO RAISE MATTER AT 31ST UNGA WAS EXPRESSED IN STATEMENT MADE BY SWEDISH REP IN SIXTH (LEGAL) COMMITTEE. ECKERBERG SAID THAT BECAUSE OF SWEDISH INTEREST IN FOLLOWING UP ON QUESTION AT 31ST UNGA HE HAD RECEIVED INSTRUCTIONS TO RAISE MATTER WITH USG, WHICH WAS THE FIRST GOVERNMENT TO BE CONSULTED. EVEN THOUGH ANOTHER US PROPOSAL HAD BEEN PRESENTED AT LAST HRC, SWEDISH GOVERNMENT WAS OF THE VIEW THAT THIS NEED NOT PRECLUDE COMPANION INITIATIVE TO BE TAKEN AT 31ST UNGA. ECKERBERG LEFT WITH DEPARTMENT OFFICER COPY OF DRAFT RESOLUTION INTENDED FOR CONSIDERATION BY 31ST UNGA AND REQUESTED USG VIEWS.

3. DEPARTMENT OFFICER WELCOMED CONCERN OF SWEDISH GOVERNMENT OVER SERIOUS HUMAN RIGHTS PROBLEM OF POLITICAL PRISONERS, AND THEIR INTEREST IN HIGHLIGHTING PROBLEM IN UN HUMAN RIGHTS FORUM. DEPARTMENT OFFICER EXPLAINED THAT WE HAD TENTATIVELY DECIDED THAT BECAUSE US DRAFT RESOLUTION HAD BEEN HELD OVER UNTIL THE NEXT SESSION OF THE HRC, WE WOULD NOT PLAN TO TAKE FURTHER INITIATIVE ON POLITICAL PRISONERS AT 31ST UNGA. HOWEVER, IN VIEW OF THE INTEREST OF THE SWEDISH GOVERNMENT, WE WOULD CONSIDER THE QUESTION FURTHER IN THE CONTEXT OF THE DRAFT RESOLUTION WHICH THE SWEDISH GOVERNMENT HAS DRAWN UP. DEPARTMENT OFFICER PROMISED ECKERBERG THAT HE WOULD GIVE DEFINITIVE REACTION TO HIS APPROACH AS SOON AS POSSIBLE.

4. TEXT OF SWEDISH DRAFT RESOLUTION APPEARS AT END OF THIS MESSAGE. DEPARTMENT EXPERTS HAVE NOT YET REVIEWED TEXT, UPON WHICH WE EXPECT TO HAVE SOME TECHNICAL OR LIMITED OFFICIAL USE

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SUBSTANTIVE COMMENTS. DEPARTMENT WOULD PARTICULARLY APPRECIATE THE VIEWS OF US HRC REP GARMENT AND USUN, BOTH ON ADVISABILITY OF PURSUING RESOLUTION SUCH AS SWEDISH GOVERNMENT PROPOSES AT 31ST UNGA AS WELL AS ANY COMMENTS ON SUBSTANCE OF SWEDISH DRAFT RESOLUTION. DEPARTMENT'S INITIAL REACTION IS TO WELCOME SWEDISH INTEREST IN SUBJECT AND TO ENCOURAGE THEM TO PURSUE THEIR CONSULTATIONS ON AS WIDE A BASIS AS POSSIBLE SO

THAT DRAFT RESOLUTION ALONG LINES PROPOSED BY SWEDISH GOVERNMENT COULD BE PRESENTED AND HAVE GOOD CHANCE OF ADOPTION AT 31ST UNGA. AT THE LEAST, SWEDISH PROPOSAL COULD BE REFERRED BY UNGA TO HRC FOR STUDY IN CONJUNCTION WITH US DRAFT. IF POLITICAL PRISONERS RESOLUTION WERE TO BE ADOPTED AT 31ST UNGA, WE COULD THEN CONSIDER WHETHER TO WITHDRAW US DRAFT RESOLUTION IN HRC OR TO MODIFY IT TO FOLLOW UP ON UNGA DECISION.

5. WOULD APPRECIATE REPLY AS SOON AS POSSIBLE. ECKERBERG STATED THAT SWEDISH UN DEL HAS NOT YET BEEN INSTRUCTED TO

RAISE THIS MATTER WITH OTHER DELS IN NEW YORK. SUGGEST, THEREFORE, THAT AT THIS STAGE USUN REFRAIN FROM DISCUSSING QUESTION WITH OTHER UN DELS.

6. FOLLOWING IS TEXT OF SWEDISH DRAFT RESOLUTION:

QTE. THE GENERAL ASSEMBLY,

RECALLING ARTICLE 19 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND ARTICLE 19 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, WHICH GUARANTEE TO EVERY-ONE THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION;

CONCERNED ABOUT THE FACT THAT IN ALL PARTS OF THE WORLD NUMEROUS PERSONS ARE DETAINED IN RESPECT OF OFFENCES WHICH THEY COMMITTED, OR ARE SUSPECTED OF HAVING COMMITTED, BY REASON OF THEIR POLITICAL OR OTHER OPINIONS OR CONVICTIONS;

REALIZING THAT THESE PRISONERS ARE OFTEN EXPOSED TO SPECIAL DANGERS AS REGARDS THE PROTECTION OF THEIR HUMAN LIMITED OFFICIAL USE

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RIGHTS AND FUNDAMENTAL FREEDOMS;

CONSIDERING, THEREFORE, THAT SPECIAL ATTENTION SHOULD BE GIVEN TO THE SITUATION OF THESE PRISONERS;

RECALLING IN THIS CONNECTION THE PROHIBITION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT WHICH IS LAID DOWN IN ARTICLE 5 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND ARTICLE 7 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND WHICH HAS BEEN FURTHER ELABORATED IN THE DECLARATION ON THE PROTECTION OF ALL PERSONS FROM BEING SUBJECTED TO TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT ADOPTED BY GENERAL ASSEMBLY RESOLUTION 3452 (XXX);

RECALLING ALSO ARTICLE 10 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND ARTICLE 14 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS WHICH PROVIDE THAT ALL PERSONS ARE ENTITLED TO A FAIR HEARING BY AN INDEPENDENT AND IMPARTIAL TRIBUNAL IN THE DETERMINATION OF ANY CRIMINAL CHARGE AGAINST THEM;

1. REQUESTS ALL GOVERNMENTS TO TAKE EFFECTIVE MEASURES TO SAFEGUARD THE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS OF ALL PERSONS WHO ARE DETAINED IN RESPECT OF OFFENCES WHICH THEY COMMITTED, OR ARE SUSPECTED OF HAVING COMMITTED, BY REASON OF THEIR POLITICAL OR OTHER OPINIONS OR CONVICTIONS;

2. REQUESTS ALL GOVERNMENTS TO ENSURE, IN PARTICULAR, THAT SUCH PRISONERS ARE NOT SUBJECTED TO TORTURE OR OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

3. REQUESTS ALL GOVERNMENTS ALSO TO ENSURE THAT SUCH PRISONERS RECEIVE A FAIR HEARING BY AN INDEPENDENT AND IMPARTIAL TRIBUNAL IN THE DETERMINATION OF ANY CRIMINAL CHARGE AGAINST THEM;

4. CALLS UPON ALL GOVERNMENTS TO EXAMINE CONTINUOUSLY THE POSSIBILITY OF RELEASING SUCH PRISONERS AS AN ACT OF CLEMENCY OR BY WAY OF CONDITIONAL RELEASE OR OTHERWISE;
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5. DECIDES TO INCLUDE IN THE PROVISIONAL AGENDA OF ITS THIRTY-SECOND SESSION AN ITEM ENTITLED "HUMAN RIGHTS OF PRISONERS DETAINED IN RESPECT OF OFFENCES CONNECTED WITH THEIR POLITICAL OR OTHER OPINIONS OR CONVICTIONS."
END QUOTE. KISSINGER

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